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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

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Technology Center 2100

Application Number: 09/997,915
Filing Date: November 29, 2001
Appellant(s): GUPTA, BHUPESH

Volel Emile
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 03/01/2007 appealing from the Office action mailed 12/01/2006.

(1) Real Party in Interest

The Appellant's statement of the real party in interest contained in the brief is correct.

(2) Related Appeals and Interferences

The Examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The Appellant's statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments

The Appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of The Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The Appellant's statement on the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the evidence relied upon in the rejection of claims under appeal:

Khan, US Patent Number 6,546,393, issued on April 8, 2003, but filed on October 7, 1999 (hereinafter Khan).

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Khan (US 6546393, filed Oct 7, 1999).

Regarding independent claims 1, 9, 17, 25 and 33, Khan teaches *determining whether a web page to be bookmarked has been assigned a category on a server; downloading the category if the web page has been assigned a category; creating a sub-folder in the bookmark folder with the category as a name; and storing a bookmark to the web page into the sub-folder* and further for claim 33, creating, *if the downloaded category does not already exist as a name of a sub-folder in the bookmark sub-folder on the local computer system, a sub-folder in the bookmark folder on the local computer system with the downloaded category as a name for the sub-folder; and storing the bookmark to the web page into the created sub-folder.* For example, Khan discloses a system for prioritizing server-side user bookmarks by determining whether the submitted link already exists in the directory (col 12, lines 15-20), and determining the

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right categorization (manually or automatically) and categorized in user created and defined categories and subcategories which may be created into which the site is categorized under one of the categories of the site directory (col 12, lines 31-62). A user is permitted to make their own custom categories under which to add favorite sites (col 12, lines 62-67) according to some knowledge of the theme and/or subject of the bookmarked site by adding subcategories (col 13, lines 1-15). Khan discloses creating dynamic interactive web directories where dynamic implies additions to the basic categorization structure, which is equivalent to the claimed invention including creating sub-folders and storing bookmarks into the sub-folder (col 13, lines 5-15). Khan discloses downloading the category if the web page has been assigned a category as shown in Fig. 11 which discloses a web page of bookmarks downloaded to a user computer, and the downloaded of the web page of bookmarks includes categories such as "News_and_Sports", "Guide Sports", etc. Khan teaches both, manual or automatic categorization of bookmarks (col 11, lines 58-61).

Regarding claims 2, 10, 18 and 26, Khan teaches where there already exists a sub-folder with the category as a name before creating the sub-folder. Khan discloses determination of the right categorization and if it does exist, then ranking to the best category for it to be listed under (col 12, lines 31-44) and creating a sub-category into which the site is categorized to create custom categories (col 12, lines 60-65).

Regarding claims 3, 11, 19 and 27, Khan teaches if there already exists sub-folder with the category as a name, the bookmark to the web page is stored into the already existed sub-folder and the sub-folder is not created. Khan discloses that each bookmarked website submitted to the directory is looked up in a generated table of sites that have been ranked in a set of categories using the interest clustering, and if the site exists in the table, it's ranking is mapped to the best category for it to be listed under (col 12, lines 38-44).

Regarding claims 4, 12, 20 and 28, Khan teaches if the web page has not been assigned a category, the web page is stored into a default sub-folder. Khan discloses that the user creates a fresh set of bookmarks in the server prior to populating the categories with any bookmarks during initialization of their bookmark account (col 11, lines 51-58). The examiner interprets these initial categories created by user as the default because they will be the categories that get populated with future bookmarks and eliminating the need for creating a dynamic category or sub-category.

Regarding claims 5, 13, 21 and 29, Khan teaches if the web page has not been assigned a category, a note is sent to an administrator of the server requesting that the web page be assigned a category. Khan discloses that if the selected category does not match the category to which the site is mapped, then a notification is generated for manual inspection by the editorial staff (col 12, lines 50-54).

Regarding claims 6, 14, 22 and 30, Khan teaches the downloaded category is used as a name to a sub-folder into which the bookmark to the web page is to be moved and the URL is used to differentiate the web page from the web pages that may be in the default sub-folder. Khan discloses dynamic restructuring, where the user has the ability to create their own categories to best identify the location of their bookmarks within the web directory (col 11, lines 17-20). Khan also discloses in col. 20, lines 11-22 that the system enables users to export (download) their bookmarks/favorites back to the desktop browser and the bookmarks are URLs of Web pages. Thus, Khan teaches downloading the URL of Web pages to be bookmarked.

Regarding claims 7, 15, 23 and 31, Khan teaches determining whether there already exists a sub-folder with the category as a name in the bookmark folder before creating the sub-folder. Khan discloses that a fresh set of bookmarks folder in their account that he user may add part or all of the user's bookmarks to the directory (col 11, lines 55-58), where sites can be placed in the best category that it is mapped to (col 12, lines 40-44).

Regarding claims 8, 16, 24 and 32, Khan teaches if there already exists a sub-folder with the category as a name, a sub-folder is not created and the bookmark to the web page is moved into the already existing sub-folder. Khan discloses that a fresh set of bookmarks folder in their account that he user may add part or all of the user's

bookmarks to the directory (col 11, lines 55-58), where sites can be placed in the best category that it is mapped to (col 12, lines 40-44).

(10) Response to Argument

In the Remarks, Appellant argued in substance that

Claims 1, 9, 17, 25 and 33

A) "Nowhere in the disclosure does Khan teach, show or so much as suggest the steps of downloading a category if it has been determined that a Web page to be bookmarked has been assigned a category on a server; creating a sub-folder in the bookmark folder with the category as a name; and storing a bookmark to the Web page into the sub-folder as claimed in the invention." (see pages 5-6 of the Brief)

In reply to argument A, Khan discloses in col. 2, lines 11-40 and col. 12, lines 15-20 that a site is added to a site directory (on a server) that includes a set of categories, the site is categorized into one of the categories of the site directory, and the addition of the site to the site directory may also require the comparing on the site to pre-existing sites in the site directory and then generating a notification if the site matches one of the pre-existing sites in the site directory. Thus, these steps imply the limitation "determining that a web page to be book marked has been assigned a category on a server."

Khan discloses downloading the category shown in Fig. 11, which discloses a web page of bookmarks downloaded to a user computer, and the downloaded of the

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web page of bookmarks includes categories such as "News_and_Sports", "Guide Sports", etc.

Khan discloses in col. 12, lines 60-62 "a sub-category may be crated into which the site is categorized under one of the categories of the site directory" which matches the claimed limitation of the application "creating a sub-folder in the bookmark folder with the category as a name".

In addition, Khan discloses in col. 11, line 54-61 that the user may add part or all of the user's bookmarks to the web directory including sub-directories. Thus, this step implies "storing a bookmark to the Web page into the sub-folder" as claimed in the invention.

B) "Downloading has never meant, broadly or otherwise, to include a user's knowledge of a theme and/or subject matter and the user manually creating a subcategory as the downloading is complete from user manually creating a subcategory as the downloading is complete from user's knowledge to the directory manually on the computer system." (see pages 6-7 of the Brief)

In reply to argument B, the examiner's agreed with the Appellant's argument about the previous explanation of the limitation "downloading" in the rejection mailed on 12/01/2006 (see page 4 of the rejection). The previous examiner was wrong to include the explanation "the claimed downloading is broadly interpreted to include a user's knowledge of a theme and/or subject and the user manually creating a subcategory as the downloading is complete from user's knowledge to the directory manually on the

computer system” in the rejection dated 12/01/2006. However, Khan does teach downloading the category shown in Fig. 11, which discloses a web page of bookmarks downloaded to a user computer, and the downloaded of the web page of bookmarks includes categories such as “News_and_Sports”, “Guide Sports”, etc.

Claims 6, 14, 22 and 30

C) “Firstly, and as mentioned above, Khan does not teach the step of downloading categories.” (see page 7 of the Brief)

In reply to argument C, this argument C is already addressed in replying to argument A above.

D) “Secondly, Khan does not teach the step of downloading URLs of Web pages to be bookmarked.” (see page 7 of the Brief)

In reply to argument D, Khan discloses in col. 20, lines 11-22 that the system enables users to export (download) their bookmarks/favorites back to the desktop browser and the bookmarks are URLs of Web pages. Thus, Khan teaches downloading the URL of Web pages to be bookmarked.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is respectfully submitted that the rejections should be sustained.

Respectfully Submitted,

/Chau Nguyen/

Chau Nguyen

Conferee:

/Doug Hutton/

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Art Unit 2176

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